

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

Federal Trade Commission,

Plaintiff,

v.

iBackPack of Texas, LLC, and  
Douglas Monahan,

Defendants.

Case No. 3:19-cv-00160

Judge George C. Hanks, Jr.

Magistrate Judge Andrew M. Edison

**DECLARATION OF PATRICK ROY IN SUPPORT OF  
PLAINTIFF FTC'S APPLICATION FOR ENTRY OF DEFAULT  
AGAINST DEFENDANT iBACKPACK OF TEXAS, LLC**

I, Patrick Roy, declare as follows:

1. I am one of the attorneys representing the plaintiff, the Federal Trade Commission, in this action. My business address is Federal Trade Commission, 600 Pennsylvania Avenue NW, Mail Stop CC-10232, Washington, DC, 20580. I have personal knowledge of the facts stated herein and, if called as a witness, could competently testify thereto.

2. On May 6, 2019, the Federal Trade Commission filed its Complaint for Permanent Injunction and Other Equitable Relief against defendants iBackPack of Texas, LLC, and Douglas Monahan. *See* Dkt. No. 1.

3. Defendant iBackPack of Texas, LLC, timely waived service under Rule 4(d) in response to a request that was sent on May 6, 2019. A true and correct copy of defendant's waiver was filed with the Court on May 20, 2019. *See* Dkt. No. 8. As a consequence of its waiver of service, the deadline for iBackPack of Texas, LLC, to serve a responsive pleading was July 5, 2019. Fed. R. Civ. P. 12(a)(1)(A)(ii).

5. Sixteen weeks have passed since iBackPack of Texas, LLC, received plaintiff's request to waive service of summons, and no attorney has filed a responsive pleading on behalf of iBackPack of Texas, LLC,<sup>1</sup> or entered an appearance in this action on behalf of iBackPack of Texas, LLC. In addition, no attorney purporting to represent iBackPack of Texas, LLC, has contacted counsel for the plaintiff.

8. iBackPack of Texas, LLC, has failed to plead or otherwise defend this action.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 26, 2019

/s/ Patrick Roy

Patrick Roy, Attorney-in-Charge  
D.C. Bar # 1023521

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<sup>1</sup> Defendant Monahan, appearing *pro se*, filed an Answer on August 5, 2019. Dkt. No. 20. Plaintiff understands this Answer to have been filed on behalf of defendant Monahan only, and not on behalf of iBackPack of Texas, LLC, as it is a "well-settled rule of law that a corporation cannot appear in federal court unless represented by a licensed attorney." *Memon v. Allied Domecq QSR*, 385 F.3d 871, 873 (5th Cir. 2004).

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Attorneys for Plaintiff  
Federal Trade Commission

### **CERTIFICATE OF SERVICE**

I, Patrick Roy, an attorney, hereby certify that on August 26, 2019, I caused to be served true copies of the foregoing Declaration in Support of Application for Entry of Default Against Defendant iBackPack of Texas, LLC, on the Defendants through the CM/ECF System and by first-class mail.

/s/ Patrick Roy  
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